

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA
CASE NO.: 02-487

INQUIRY CONCERNING JUDGE SUPREME CT. CASE NO. SC03-1171
GREGORY P. HOLDER;

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ORDER OF DISMISSAL

This matter was considered after a six-day evidentiary hearing before the Hearing Panel of the Judicial Qualifications Commission (JQC) composed of (1) Judge John P. Kuder (Chair), (2) Judge Tom Freeman, (3) attorney Howard C. Coker, (4) attorney John Cardillo, (5) lay member Dr. Leonard Haber and (6) lay member Ricardo Morales, III. Formal charges were filed by the JQC Investigative Panel on July 16, 2003. The charges concerned alleged plagiarism by Judge Holder of an Air War College research paper which Judge Holder wrote while a Lieutenant Colonel in the Air Force Reserve. The course may have led to possible advancement in rank. The charge is that in 1998 Judge Holder committed plagiarism. Approximately 10-pages of a 21-page research paper with Judge Holder's name on it were copied almost verbatim from another paper written in 1996 by another officer who furnished a copy to Judge Holder. The charge also concerned a "certificate" that the paper was solely the work of Judge Holder.

No original paper by Judge Holder was ever located. A photocopy of his alleged paper obtained from an anonymous source was attached to the Formal Charges and admitted into evidence.

Judge Holder denied that the photocopy was his paper and contended the photocopy was a manufactured forgery. Extensive discovery occurred and evidence, including expert testimony on both sides, was presented for six days. Special counsel and counsel for Judge Holder were well prepared and presented the respective positions of their clients in a very professional and competent manner.

The Panel took numerous motions and objections by Judge Holder under advisement during the hearing. All of these motions and objections are hereby denied and overruled by the full Panel. The Panel thus considered the totality of all the evidence proffered and received during the hearing.

After due deliberation and consideration of all the evidence and argument of counsel, the Hearing Panel unanimously concludes that the charges should be and hereby are dismissed. This ruling is entered pursuant to Rule 20 of the Florida Judicial Qualifications Commission Rules.¹ The evidence was extremely conflicting and the implications disturbing. The credibility of certain witnesses was in doubt. The memories of the long past events were unclear. The Panel concludes that the evidence was troublesome but did not rise to the level of clear and convincing

¹ Rule 20 provides in relevant part:

If the Hearing Panel dismisses the formal charges, the Hearing Panel shall promptly file a copy of the dismissal order certified by the Chair of the Hearing Panel with the Clerk of the Supreme Court.

evidence of guilt. In re: Kinsey, 842 So. 2d 77, 85 (Fla. 2003), and In re: Davey, 645 So. 2d 398, 404 (Fla. 1994). The six member Hearing Panel voted unanimously to dismiss the charges.

DONE AND ORDERED this 23rd day of June, 2005.

**FLORIDA JUDICIAL QUALIFICATIONS
COMMISSION**

By: /s/ John P. Kuder
JUDGE JOHN P. KUDER,
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Copies furnished in accordance with the attached list.

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